



GROUP ART UNIT
1654

2003-03-19

DEP&REF
#307

PATENT APPLICATION

**RESPONSE UNDER 37 CFR §1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER 1654**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Ibraheem BADEJO et al.

Group Art Unit: 1654

Application No.: 09/964,415

Examiner: P. PATTEN

Filed: September 28, 2001

Docket No.: 108773

For: **ADHESIVE COMPOSITIONS CONTAINING DUAL FUNCTION STABILIZERS
AND ACTIVE AGENTS**

PETITION FOR REFUND

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

It is respectfully requested that the fees paid for the Petition for Three-Month Extension of Time and Notice of Appeal submitted in reply to the October 2, 2003, Action be refunded.

On October 2, 2003, a Final Rejection was mailed for the above-identified application. Applicants timely filed an Amendment After Final Rejection, which was hand-delivered to the Examining Group on December 30, 2003. See the attached date-stamped receipt. For a period of now over three (3) months, the Amendment After Final Rejection remained in the Patent Office without being logged in or matched to the file. According to the undersigned's check of the PAIR system today, the Amendment remains unmatched with the file, and is still not entered in the Patent Office system.

Since the original filing of the Amendment After Final Rejection on December 30, 2003, Applicants' undersigned representative has taken numerous steps to obtain prompt entry and examination of the Amendment.


Because the original submission had not yet been matched with the application file, Applicants again hand-carried a copy of the Amendment After Final Rejection to the Examining Group on January 28, 2004. See the attached Resubmission of Amendment and date-stamped receipt. In the absence of any action by the Patent Office, Applicants' representative telephoned the Examiner on February 11 and 17, 2004. The Examiner indicated that the application file was indicated to be in Central Files, but that the Amendment was not entered in the system. Thus, Applicants again (for a third time) hand-carried a copy of the Amendment After Final Rejection to the Examining Group on February 26, 2004. See the attached Resubmission of Amendment After Final Rejection and date-stamped receipt. Continued monitoring of the PAIR database throughout the period from December 30, 2003 to April 2, 2004, indicated that neither the original Amendment nor any of the Resubmissions have been entered into the application file.

Accordingly, despite Applicants' repeated attempts at submitting and resubmitting the Amendment, no action has been taken by the Patent Office and no Advisory Action has been issued. Applicants timely submitted the Amendment prior to expiration of the three month shortened statutory period, and no action has been taken by the Patent Office during the entire three month extension of that shortened statutory period. Applicants were thus forced to file a Notice of Appeal and Petition for Extension of Time, at a cost of \$950.00 in extension fees and \$330.00 in Notice of Appeal fees (for a total cost of \$1,280.00), in order to maintain the pendency of the application. Applicants incurred all of these expenses solely because of Patent Office delay.

Application No. 09/964,415

Accordingly, it is respectfully requested that \$1,280 be refunded to Deposit
Account No. 15-0461 and that the Patent Office acknowledge this credit in writing.

Respectfully submitted,


William P. Berridge
Registration No. 30,924

Joel S. Armstrong
Registration No. 36,430

WPB:JSA

Attachments:

Amendment After Final Rejection filed December 30, 2003
PTO stamped receipt for filing of papers dated December 30, 2003
Resubmission of Amendment
PTO stamped receipt for filing of papers dated January 28, 2004
Resubmission of Amendment After Final Rejection
PTO stamped receipt for filing of papers dated February 26, 2004

Date: April 2, 2004

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE
AUTHORIZATION
Please grant any extension
necessary for entry;
Charge any fee due to our
Deposit Account No. 15-0461

ATTENTION ATTENTION ATTENTION

DATE PROCESSED :

4/20/2004

PROCESSED BY : L.S.

☐

ACH PAYMENT

Attached is the most current ACH Information

TC-1600

Tech Center 1654

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TREASURY CHECK

The Most Current ACH Information Was

Requested From This Customer With The Purpose Of

Processing His Refund Request By Electronic Fund

Transfer(EFT). No EFT Information Was Received

Therefore, If Customer Is Due A Refund:

A CHECK WILL BE ISSUED.

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CREDIT TO DEPOSIT ACCOUNT

09 / 964,415

This Request for Refund Will Be Processed By Crediting

Deposit Account Number 15-0461

If Customer Is Due A Refund.

ATTENTION ATTENTION ATTENTION